IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 11870 of 2004

Between:

M. Rajendra Babu, S/o. Raghavulu,
R/o. 22-7-27, Gowthaminagar, Warangal, Warangal District.
..... PETITIONER

AND

1 The Regional Joint Commissioner of Endowments, Multi Zone-III, Tilak Road, Abids, Boggulakunta, Hyderabad.
2 The Deputy Commissioner of Endowments, Warangal, Warangal District.
3 Warangal Diocesan Society, Rep. by its Secretary
Fr.g. Sudhakar, S/o. Inna Reddy,aged 37 Years, R/o. Bishop's House, Fatima Nagar,
Kazipet, Warangal District.
4 Rev.Thumma Bala, S/o. Late Joji Reddy,
R/o. Bishop's House, Fatima Nagar, Kazipet, Warangal District.
5 Fr. G. Sudhakar, S/o. Inna Reddy,
R/o. Bishop's House, Fatima Nagar, Kazipet, Warangal District.
6 Fr. D. Raja, S/o. Late joji Reddy,
R/o. St. Joseph's Church, Kumarpalli, Hanumakonda Town, Warangal District.
7 Fr. M. goa Showraiah, S/o. Rayanna,
R/o. Medicare Hospital, Hunter Road, Hanumakonda Town, Warangal District.
8 Fr. K. Vijay Kumar, S/o. Late Kaspa Reddy,
R/o. Medicare Hospital, Hunter Road, Hanumakonda Town, Warangal District.
9 Fr. Gopu Chinnappa, 'S/o. Late Marreddy,
R/o. St. Joseph's Church, Suraiahpalli, Manthini Village, Karimnagar District.
10 Fr. R. Inna Reddy, S/o. Joji Reddy,
R/o. St. John's Church, Dansari Village, K. Samudram, Warangal District.

11 Fr. Gali Rayappa, S/o. Marreddy,
R/o. Immaculate Church, Reddypalem (V), (Via)
Vardhannapet, Warangal District.
12 Fr. P. Jaya Rao, S/o. Yobu,
R/o. Fatima Church, Fatimanagr, Kazipet, Warangal District.
13 Fr. K. Joseph, S/o. Late Chinnappa Reddy,
R/o. Bishop's House, Fatimanagar, Kazipet, Warangal District.
14 Medicare Educational Trust, Rep. by Md. Gousuddin, S/o. Late Valu Mohammed, age 38 Years, R/o. H.No. 11-23-879, L.B. Nagar, Warangal.
15 Sri. T. Ravinder Rao, S/o. Prakash Rao,
R/o. 5-9-126, Behind Petrol Pump, Hanmakonda,
Warangal District.
16 Sri. P. Narayan Reddy, S/o. Rami Reddy,
R/o. 2-5-23, Ramnagar, Hanmakonda, Warangal District.
17 Sri. K. Satyanarayana Rao, S/o.Kondal Rao,
R/o. 1-1-957, Siddarthanagar, Kazipet, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction, more particularly a Writ in the nature of Writ of MANDAMUS declaring the action of the Regional Joint Commissioner of Endowments, MZ-III, Hyderabad passed in IA.No.699/2004 in R.P.No.698/2004, dated 06-07-2004 as bad, illegal, arbitrary and oppose to law

Counsel for the Petitioner: MR.M.VIDYASAGAR, Advocate

Counsel for the Respondent Nos. 1&2.: GP FOR ENDOWMENTS

Counsel for the Respondent Nos. 3to13: Mr. E. Manohar (Sr. Counsel)
for Mr. Ch. Purnachandra Rao, Advocate

For the Respondent Nos.14 to 17:

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the first respondent in I.A.No.699 of 2004 in R.P.No.698 of 2004, dated 06.07.2004, which was filed by the unofficial respondents, against the order in I.A.No.2 of 2004 in O.A.No.45 of 2003.

2. According to the petitioner, he along with another filed I.A.No.2 of 2004 in O.A.No.45 of 2003 under Section 87(4) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). The Deputy Commissioner of Endowments, Warangal – second respondent herein, passed an order restraining the respondents in interfering in the management of Medicare Educational Trust and thereafter, the matter was directed to be listed for counter on 26.06.2004. Against the said order, the unofficial respondents filed a Revision Petition before the first respondent and sought for an *ex parte* suspension order and the said order was passed on 06.07.2004, suspending the order of injunction by the second respondent, pending disposal of the Revision Petition before him.

3. Though several contentions have been raised and this Court declines to go into the merits of the contentions raised, as in fact a Revision Petition was filed before the Government against the order of the first respondent. Apart from that the Revision Petition pending before the first respondent is already listed for hearing on 17.07.2004, therefore, alternatively, the counsel also sought for a direction to the first respondent to dispose of the said Revision

Petition on that day, after hearing both sides, so as to resolve the issue in dispute with reference to the interim arrangement._

4. The learned Senior Counsel, Sri Manohar, however, opposed the contentions of the learned counsel for petitioner. It is stated that the petitioner having approached the Government by filing a Revision, is not entitled to file the present writ petition and canvassed on merits without even stating the fact that he has approached the Government by way of Revision Petition. At the outset, even on merits also the learned counsel opposed the contentions of the petitioner.

5. Heard both sides and considered the material available on record.

6. In view of the fact that the Revision Petition filed by the unofficial respondents against the order of the second respondent was fixed for hearing on 17.07.2004, this Court declines to go into the merits of the matter. However, in order to resolve the issue, the first respondent is directed to dispose of the Revision itself by hearing both sides on 17.07.2004, to which date the Revision Petition No.698 of 2004 is fixed for hearing.

7. The writ petition is accordingly is disposed of. No costs.

13.07.2004
Note: Furnish CC by tomorrow
B/o
va

To

1 The Regional Joint Commissioner of Endowments, Multi Zone-III, Tilak Road, Abids, Boggulakunta, Hyderabad.
2 The Deputy Commissioner of Endowments, Warangal, Warangal District.
3 Two CD Copies